THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:16181 of 2006

DATED:09-07-2007

BETWEEN:

Dasika Gopalakrishna.

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep., by the Superintendent of Police,
Chittoor,
Chittoor District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner and the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the impugned action of the respondents 1 and 2 in not executing the Non Bailable Warrant issued on 02-01-2004 in C.C.Nos.324 and 325 of 2003 by the Judicial First Class Magistrate, Bhimavaram, West Godavari District against the 3rd respondent/accused even after a lapse of almost 2 ½ years without following due process of law, as illegal, and arbitrary.

3. The grievance of the petitioner is that though Non Bailable Warrant was issued on 02-01-2004 in C.C.Nos.324 and 325 of 2003 by the Judicial First Class Magistrate, Bhimavaram, West Godavari District against the 3rd respondent the same has not been executed even after a lapse of 2 ½ years without any justification whatsoever.

4. Counter has been filed by the 1st respondent stating that the Non Bailable Warrant issued by the
II Additional Judicial First Class Magistrate, Bhimavaram, West Godavari District was received only on 16-06-2007 and immediately the Superintendent of Police, Chittoor endorsed the same to the Inspector of Police, Madanapalle Town Police Station, Chittoor for execution and accordingly 2nd respondent visited the house bearing

No.16-207, Pairamanna street, Madanapalle and found that the 3rd respondent was not residing in the said house but however, it is stated that all efforts would be made to trace out the 3rd respondent and the Non Bailable Warrant will be executed against her.

5. Having regard to the facts and circumstances of the case, in the absence of any material placed before this Court though the petitioner paid the process fee and taken steps to send the Non Bailable Warrant from the Court, I am of the opinion that the said disputed facts cannot be decided, but however, in view of the receipt of the Non Bailable Warrant recently, and in view of the counter filed by the 1st respondent stating that all possible steps will be taken for expeditious execution of the Non Bailable Warrant against the 3rd respondent, respondents 1 and 2 are directed to expedite the execution of Non Bailable Warrant against the 3rd respondent.

6. Accordingly, Writ Petition is disposed of .No order as to costs.

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V.ESWARAIAH,J

09th July, 2007.
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